

The Brockton Conservation held a meeting in the GAR Room, City Hall, Brockton on Thursday, April 8, 2010 at 7:00 PM. Members present: Chairperson Stephanie Danielson, (Greg Enos), Scott Ford, Anthony DiLallo, Timothy Reilly and James Bosco. Also present were secretary Pamela Gurley and Marta Nover from Nover-Armstrong Associates (NAA).

## **1. Request for Determination**

Address: 125 Oak Street (Raymond School)

Applicant: Building a Better Brockton

Representative: Paul Morrison

Mr. Morrison said that BBB is replacing the infields at the existing fields at the Raymond School through the use of CBDG funds.

Ms. Nover said that she went out to the site and that the project involves replacing the existing grass infields with stone dust (the fields are being changed from baseball to softball fields). She said that the turf that is removed must be placed somewhere. She said that the wetlands follow along the tree line and that all the work is in existing fields.

Ms. Danielson asked if there will be any hydro-seeding and was told no. She said that this is probably not the best time to do work on fields as they are wet. Mr. Morrison said that they are willing to hand seed and to either truck the loam away or mulch it up.

Ms. Danielson said that the plan is small and hard to read. She said that it does not show the wetlands. She asked if there is any herbicide usage and was told no.

Mr. Ford asked where is loam going and Mr. Morrison said it can go where ever the Commission says. Mr. Bosco asked if the project is out to bid and was told yes.

Mr. Rielly asked if the stone dust will create any addition runoff and Ms. Nover said no.

Ms. Danielson said she would like full plans showing the wetland area and questioned how the equipment will be brought in. Mr. Ford asked how long the work will take and was told two to three days. He asked about time constraints; Mr. Morrison said that opening day was moved to May 1<sup>st</sup>. Mr. Ford said that he will be comfortable with a strict negative with conditions.

Mr. Danielson asked what type of equipment will be used and Mr. Morrison said that he assumes a small bobcat.

Ms. Nover said that if the Commission agrees to issue a determination she suggested that it state that the wetland boundary has not been determined as accurate; that they add a permanent limit of work area is to be set and inspected; they incorporate an amount for NAA to oversee the project and that the dirt to be removed out from the site.

A motion was made (Ford) and properly seconded (Rielly) to issue a negative determination with the following conditions: The wetland boundary has not been determined as accurate; a permanent limit of work area is to be set and is to be inspected; an amount for NAA to oversee the project is to be set-aside and that the dirt/spoils are to be removed out from the site (no stockpiling). Motion passed unanimously.

## **2. Request for Determination**

Address: Route 24 Brockton

Applicant: Mass Department of Transportation

Representative: Thomas McGuire, Mass DOT

Mr. McGuire said that they were requesting permission to proceed with their Vegetation Management Program for Rt. 24. He said that herbicides within a BZ to wetlands are covered by DEP and the Dept. Agriculture and are heavily regulated. He said that 94% of vegetation management is mowing but there are locations because of safety aspects that require spraying (primarily under guardrails, under jersey barriers and in cracks). He said no guardrail...no spraying. He said that the regs require that they stay 10' from wetlands (distance is greater within public water supplies). The herbicides are approved by DEP and spray no spray areas are designated by reflectors; they only spray once every 12 months.

Ms. Nover asked how a major river is determined. Mr. McGuire said the size of the bridge structure over the river, (24' wide opening for larger rivers and smaller rivers, 4X8 cross culverts). Ms. Nover said that in that case Dorchester & Lovett Brooks would not be considered major areas and they would be spraying 10' from a perennial stream. She said that she can not confirm the wetland along the stretch of highway Mr. McGuire said that they can take a ride out to the field and look at the sites in question.

Mr. Rielly asked how far the spraying was from the roadway. He was told they spray only about 2' under the guardrail and that the herbicides dissipate within 2-3 days. He was told that if the wetlands are closer that 10' from the roadway there is a designated no spray area.

Mr. Bosco asked what happens in Avon and was told it is a no spray area; the last time it was sprayed is 2004. Mr. McGuire said that a Zone 2 area is sprayed every other year and they have located the private wells. He said they get the

well location info from the local BOH and site visits were made to each well location (none within this region).

Mr. Ford asked if there would be any storage of equipment and was told no. He was told that a resident engineer directs the spray contractor. Mr. Ford asked if they can increase no spray area along the two brooks and was told they could. Mr. DiLallo asked if they were using the same materials as in 2004 and was told yes (roundup etc).

Ms. Danielson asked how they assure that the reflectors do not move and was told that they are epoxyed to the guardrail. She said that they want to make sure that the same thing doesn't happen here that happened to the area behind Rt. 24. Mr. McGuire said that he thought that might come up and said that they now have tree trimming guidelines.

Ms. Danielson asked how the location of the wetlands is determined and was told by USGS maps and then they go into the field. She said that USGS maps are a "best guess estimate".

A motion was made (Ford) to issue a negative determination with the stipulation DOT should provide updated plans for the areas around Lovett and Dorchester Brook. Motion was properly seconded (DiLallo) and failed to carry. There were no further motions.

The applicant then requested a continuance to the April 22<sup>nd</sup> meeting.

### **3. Notice of Intent**

Address: 1014 Pearl Street

Applicant: Jengeo LLC

Representative: John Holmgren, JK Holmgren Engineering, Inc.

Mark Maganello, LEC

Ms. Danielson gave the Commission the background on this property.

Mr. Holmgren said that the clearing done by the property owner was mostly lower brush and poison ivy.

Ms. Danielson said that the signs for the designated potty areas are by the river; the signs will need to be removed and the areas relocated away from the river immediately. She said this had been discussed at the prior meeting.

Ms. Nover said that the entire site is within 100' flood plain and that the NOI does not accurately describe work that was done....the alternation to the BZ and riverfront area. She said that to the east all the understory was removed and that they may have altered an area for wildlife habitat. Ms. Danielson said that the Commission has a 25' no touch area to a wetland and a 50' no touch to a BZ.

Ms. Nover said that although it was cleared that most of the root material was left

in place by Daley Brook. She said she would suggest the installation of native planting along the disturbed area and that the pre-existing vegetation should re-grow as root material was not removed. She said that the property owners should have asked permission to remove non native species. She further suggested that they remove and dispose of the wood chips and there be a typical monitoring program.

The property owner said that this was not mentioned to her at the site visit. Ms. Nover said that when she went to the site as a result of the enforcement there was no plan and it was difficult to quantify what was done to the site. Mr. Ford asked if in the location of the wood chips if any fill was removed and was told they just added chips. The property owner said that they did not take out any trees – just brush. Mr. Reilly said there is also the problem with pushing the snow towards the river; that can not continue. Mr. Bosco asked how the rain storms affected the brook. He was told that the brook did not overflow but parking lot flooded.

Mr. Holmgren said they can address the Commission's issues. Ms. Danielson said that she will want to see more restoration. She said it is important to allow for the migration of animals and suggested LEC report on that.

Continued to May 13, 2010 at the request of the applicant.

#### **4. Notice of Intent**

Address: 899 Belmont Street

Applicant: Saad, Inc.

Representative: Gallagher Engineering

Hearing has not been opened and was tabled to April 22, 2010 at the request of the applicant.

#### **5. Notice of Intent**

Address: 31 Chestnut Drive

Applicant: Peter Lynch

Representative: Craig Horsefall, Hayward Boynton & Williams

The NAA report dated 4-8-10 was read into the record. Mr. Horsefall said that a portion of the proposed addition will be on existing pavement and in a landscape area within 50' BZ to BVW but outside 25' no touch. He said that roof runoff will be collected to the existing infiltration system. He said three new infiltration chambers will be added to the system and they are also adding overflow in the case of a problem is the chambers.

Ms. Danielson asked if there is a proper separation of ground water to the chambers as the property was significantly filled. Mrs. Lynch said that the addition is needed to allow for a family member to move in with them.

An abutter to the side said that they have a water problem now. They were told that the Commission can only make sure that this project does not exacerbate the problem; they can not make them fix their problem. Ms. Danielson said as a condition of any approval she wants to make sure that any soils will be loaded into containers and immediately removed from the site.

A motion was made (Reilly) seconded (DiLallo) and unanimously passed to close the hearing.

A motion was made (Reilly), seconded (Ford) and unanimously passed to issue a standard order of conditions with the addition of the load and go stipulation.

### **Other Business**